

FILE COPY

35

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

BALRAJ S. GILL
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: 98 REB 061
:
:
: LS 9807232 REB

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Balraj S. Gill
5301 Ogden Ave.
Superior, WI ~~55880~~ 54880

Wisconsin Real Estate Board
P.O. Box 8935
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. **Balraj S. Gill** ("Gill"), date of birth 4/28/48, is licensed in the State of Wisconsin as a real estate broker having license # 90-32529. This license was first granted to him on 6/28/84. Gill is the broker for Western Realty located at 31 North 21st. Ave. West Duluth, MN 55806
2. Gill's most recent address on file with the Department of Regulation and Licensing is 5301 Ogden Ave. Superior, WI 54880.

3. On or about October 2, 1997, Gene Kleinert, an auditor with the Department of Regulation and Licensing, conducted an audit of Western Realty's trust account records. During the audit Mr. Kleinert found discrepancies in Western Realty's office bookkeeping system, as follows;

- a. Journal entries dated between August 16, 1996, and September 15, 1997 did not show a running balance for each day on which receipts or disbursements were entered. Those dates include: August 16, 1996, August 30, 1996, March 5, 1997, March 22, 1997, April 3, 1995, April 5, 1997, April 16, 1997, May 8, 1997, June 3, 1997, June 15, 1997, June 23, 1997, July 7, 1997, September 4, 1997 and September 15, 1997. Copies of the journal pages are attached as **Exhibit 1** and is incorporated herein by reference.
- b. Journal entries, failed to include the name of the principal or provide an identification number so as to link the journal with the ledger. Those entries are dated July 29, 1997, check numbers, 1638, 1640, 1641, 1643, 1644 and 1645. (Exhibit 1)
- c. Account reconciliation's were attempted but were not accurate or complete for the months of June, July, and August. There was a discrepancy of \$17.02 for June, a discrepancy of \$23.02 for July and a discrepancy of \$28.62 for the month of August. No trial balances were performed for the months of June, July, and August.

4. Western Realty Trust account #1018880 with Community Bank was found not to be a interest-bearing Common Trust Account.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to sec. 452.14, Wis. Stats.

2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. Respondent **Balraj S. Gill** has violated:

- a. Section 452.13(2)(a), and 452.14(3)(L) of the Wisconsin Statutes by not having an *Interest-Bearing* Common Trust Account.

- b. Sections RL 18.13(1)(a), RL 18.13(2), RL 18.13(3), RL 18.13(4), RL 18.13(5) and 18.14, and RL 24.17(3) of the Wisconsin Administrative Code and section 452.14(3)(i) of the Wisconsin Statutes by failing to accurately maintain a required bookkeeping system, thereby demonstrating incompetence to act as a real estate broker in a manner as to safeguard the interest of the public.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that Respondent **Balraj S. Gill**, within six months of the date of this Order, successfully complete the following course module from the 36 hour pre licensing real estate broker's course at an educational institution approved by the Department of Regulation and Licensing:

- a. The five hour Trust Accounts, Escrow, Closing Statement module RL 25.02(2)(c).

and submit proof of the same in the form of verification from the institution providing the education to the Real Estate Board, P.O. Box 8935, Madison, WI 53708-8935. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board or the Department of Regulation and Licensing.

IT IS FURTHER ORDERED, that in the event Respondent **Balraj S. Gill** fails to successfully complete the educational requirements within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **Balraj S. Gill**, his real estate license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until further order of the Board.

IT IS FURTHER ORDERED, that Respondent **Balraj S. Gill**, pay partial costs of this matter in the amount of \$200.00, within 30 days of the date of this Order by making payment of the same to the Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent **Balraj S. Gill** fails to pay the \$200.00 partial costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **Balraj S. Gill**, his real estate license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said costs have been paid to the Department of Regulation and Licensing and his failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 98 REB 061 be, and hereby is, closed.

Dated this 23 day of July, 1998.

WISCONSIN REAL ESTATE BOARD

By: 

A member of the Board

1\7REB326F DOC

I

NUMBER	DATE	DESCRIPTION OF TRANSACTION	IN DEBIT OF	AMOUNT/DEBIT	DEBIT	DEPOSIT/CREDIT	BALANCE BROUGHT FORWARD
5-2	5-16	Wells Energy		500.00	✓		356
	5-28	Cobbell Tattler	✓			500.00	341
	8-30	Diamond	✓			1000	
	5-25	Intercom	✓			3100.00	
1595	5-25	Wells		1800	✓		
596	5-25	CB		1800	✓		39
597	5-27	Wells Diamond		1000	✓		
1594	10-2	Delora P. Higgins		500	✓		2405
	10-17	Wells Bank			✓		
1594	10-17	Wells Bank		500.00	✓		2200.00
1560	10-17	Wells Bank		3000.00	✓		
1561	10-17	Wells Bank		4200.00	✓		1905
	11-18	Lindsey EM			✓	500	2405
	12-2	Lindsey			✓	12500	
102		Sep. 1st		165.00	✓		
103		Rough of Debra		44.00	✓		
104		WR		1300.00	✓		
105		Easy Housing		11325.22	✓		
106		Don Lindsey		160.78	✓		1904
107	2-24	Huger Square		500.00	✓		
108	2-24	Lot 1 Bunker		135.00	✓		
109		Lot 1 Bunker		500.00	✓		265
110	3-5	Henry			✓	500.00	
111	3-20	CBT			✓	19500.00	
112		Debra County Abst		175.00	✓		
113		Reynolds County		600.00	✓		
114		Debra County		585.79	✓		
115		Wells		1500.00	✓		
116		Wells		1800.00	✓		
117		Wells		812.85	✓		1543

NUMBER	DATE	DESCRIPTION OF TRANSACTION	IN PAYMENT OF	PAYMENT/DEBIT	1 2 3 4 5 6 7 8 9 10 11 12	DEPOSIT/CREDIT
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BALANCE BROUGHT FORWARD →

614	3-20	County Clerk		20.00	✓	
1615		Brimfield Estate		11978.98	✓	
1616		Tracy Dineen		2667.38	✓	
3-22		Rosetta	EM		✓	200.00
4-5		Dinner	EM		✓	500.00
1677	4-3	Colwell Bank		500.00	✓	
4-3		Dennis Farmer	EM		✓	500.00
4-16		Ruby H	EM		✓	500.00
1618	4-16	Walter		500.00	✓	
4-22		Barla	EM		✓	500.00
4-28		Dor			✓	2180.00
619		Produce Realty		250.00	✓	
1620		Recovery		1190.00	✓	
1621		W E I		1440.00	✓	
5-4		Dor	EM		✓	500.00
5-30		PDP			✓	12000.00
1622	5-30	Douglas County Abbot		100.00	✓	
1623	5-30	Sim C. R. 116		500.00	✓	
1624	5-30	Western Realty		1500.00	✓	
5-30		Key of Order		37.50	✓	
626	5-30	County Tower		419.12	✓	
627	5-30	Alma Barla		166.72	✓	
6-3		Deed of	EM		✓	1000.00
6-3		Deed of			✓	
28	6-3	Lake Woods Realty		1000.00	✓	
30	6-11	Western Realty		500.00	✓	
31	5-30	Waverly		976.66	✓	
6-15		Kingsley	EM		✓	500.00
6-23		Kingsley			✓	5481.03
32	6-23	Superior Abbot		165.00	✓	

6789

Exhibit 1

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NUMBER	DATE	DESCRIPTION OF TRANSACTION	IN PAYMENT OF	PAYMENT/DEBIT (-)	✓ T	✓ FEE IF APPL (-)	DEPOSIT/CREDIT (+)	BA
BALANCE BROUGHT FORWARD →								\$658
33	6-23	Tim Cirilli		100 -	✓			
34	6-23	Reg of Deeds		22 70	✓			
635	6-23	Western Realty		590 -	✓			
	6-24	LeRoy Lahr	EM		✓		500 00	636
636		Unrecd						509
37	7-29	Russ & Nancy Carlson	dsd 6-23	5098 33	✓			120
	7-7	SMITH			✓		500 00	
	7-29	Lahr			✓		2338 02	410
138	7-29	Great Lake Abstr		150 00	✓			395
44	7-29	Reg of Deeds		45 00	✓			391
39	7-29	Titles		0 0	✓			
41	7-29	WRT		770 00	✓			3142
142	7-29	Unrecd		-	✓			
43	7-29	Tim Cirilli		375 00	✓			276
44	7-29	Reg of Deeds		10 00				275
45	7-29	Dennie Farmer		1488 02	✓			126
46	8-25	Gorge & Sharon Reefatt		500 00	✓			76
	9-4	SMITH	E.M.				100 00	
47	9/15	Carla Smith E.M. refud		100 00				
	9/15	Louise E.M.					500 00	1269
	9/12	Rich E.M.					500 00	176
	9/30	Baklund/Kaufman	EM				500	726
	9/30	Louise					246/3 26	2688
50		Credit Lake Abstr		255 00				266
51		Reg of Deeds		86 50				2659
52		Barr Periley		15 00				2652
53		Tim Cirilli		160 00				25526
54		John McIntyre		22835/3				359
55		Douglas Coaster Treas		36 63				359
56		Western		1785 00				176

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**STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD**


IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
	:	98 REB 061
BALRAJ S. GILL	:	
RESPONDENT.	:	

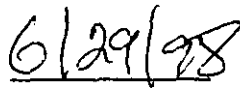
The parties in this matter agree and stipulate as follows:

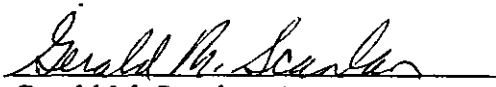
1. This Stipulation is entered into for the purpose of resolving this matter known as investigative file 98REB061. BALRAJ S. GILL, ("Respondent") consents to the resolution of this matter by this Stipulation and the attached Final Decision and Order.
2. Respondent understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the State has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify him self; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Respondent has had the opportunity to consult with legal counsel regarding these matters and the legal implications of this Stipulation.
4. Respondent voluntarily and knowingly waives his rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Real Estate Board.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order. The matter shall then be returned to the Division of Enforcement for further proceedings which may include the filing of a formal administrative disciplinary complaint. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.
6. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

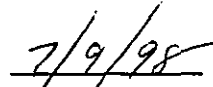
7. Respondent agrees that Complainant's attorney, Gerald Scanlan, may appear at any meeting of the Board with respect to the Stipulation and that his appearance is limited to statements in support of the Stipulation and to answer any questions the Board may have regarding the Stipulation. Respondent waives any rights he may have to have notice of that meeting and to be present at the meeting of the Board.

8. The Division of Enforcement joins the Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.


Balraj S. Gill
Respondent


Date


Gerald M. Scanlan, Attorney
Division of Enforcement


Date

I:\8REB061S.DOC

Department of Regulation & Licensing

State of Wisconsin

P O Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416 -hearing or speech
TRS# 1-800-947-3529 -impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On July 23, 1998, the Real Estate Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$200.00 Case #: LS9807232REB

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$200.00

The costs and/or forfeitures are due: August 22, 1998

NAME: Balraj S. Gill LICENSE NUMBER: 32529

STREET ADDRESS: 5301 Ogden Avenue

CITY: Superior STATE: WI ZIP CODE: 54880

Check whether the payment is for costs or for a forfeiture or both:

 X COSTS FORFEITURE

Check whether the payment is for an individual license or an establishment license:

 X INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

G\BDLS\FM2145 DOC

For Receipting Use Only

Committed to Equal Opportunity in Employment and Licensing+

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE REAL ESTATE BOARD

In the Matter of the Disciplinary Proceedings Against

Balraj S. Gill,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)


I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On July 24, 1998, I served the Final Decision and Order dated July 23, 1998, and Guidelines for Payment of Costs and/or Forfeitures, LS9807232REB, upon the Respondent Balraj S. Gill by enclosing true and accurate copies of the above-described documents in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is Z 233 819 625.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

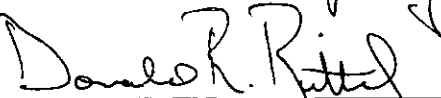
Balraj S. Gill
5301 Ogden Avenue
Superior WI 54880



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 24th day of July, 1998.



Notary Public, State of Wisconsin

My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: BALRAJ S GILL

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 7/24/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A REHEARING.

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN REAL ESTATE BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935